

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL NEWSOM,

Plaintiff,

v.

BREMERTON SCHOOL DISTRICT, an
agency of the State of Washington; BETTE
HYDE, Superintendent of Bremerton School
District; KEVIN FERGUSON; DENISE
ZASKE,

Defendants.

Case No. C07-5266FDB


ORDER OF DISMISSAL

This cause of action was filed on May 25, 2007. Plaintiff failed to serve Defendants with summons and complaint within 120 days after the filing of his Complaint. Defendants filed the instant Motion to Dismiss pursuant to Fed. R. Civ. P. 4(m) on September 27, 2007. Defendant's counsel filed his declaration in response to the motion (after moving for and receiving a continuance of the due date for Plaintiff's response) stating: "Due to a clerical error when filing the summons in this case, one of the defendants was mistakenly listed as the attorney of record for the plaintiff in lieu of myself."

1 Fed. R.Civ. P. 4(m) provides for dismissal for failure to serve within the 120 period after
2 filing the Complaint, unless the plaintiff shows “good cause” for the failure. In this case, Plaintiff has
3 not shown the requisite “good cause.”

4 ACCORDINGLY, IT IS ORDERED: Defendant’s Motion to Dismiss [Dkt. # 5] is
5 GRANTED, and this cause of action is DISMISSED.

6 DATED this 24th day of October 2007.

7
8 
9 _____
FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE